

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                          |   |                         |
|--------------------------|---|-------------------------|
| DANIEL KING WARREN, JR., | ) |                         |
| Plaintiff,               | ) |                         |
|                          | ) |                         |
| vs.                      | ) | Civil Action No. 06-504 |
|                          | ) |                         |
| COMMONWEALTH OF          | ) |                         |
| PENNSYLVANIA, et al.,    | ) |                         |
| Defendants.              | ) |                         |


ORDER

AND NOW, this *6th* day of June, 2007, after the plaintiff, Daniel King Warren, Jr., filed an action in the above-captioned case, and after motions for summary judgment were submitted by the plaintiff and by defendants Jeffrey A. Beard, Louis S. Folino, Dan Davis, Sharon M. Burks and David L. Grainey, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 89), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's motion for summary judgment (Docket No. 76) is dismissed as moot.

IT IS FURTHER ORDERED that the motion for summary judgment filed by defendants Jeffrey A. Beard, Louis S. Folino, Dan Davis, Sharon M. Burks and David L. Grainey (Docket No. 73) is granted.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

  
Nora Barry Fischer  
United States District Judge

cc: Daniel King Warren, Jr.  
DV-4642  
SCI Fayette  
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